

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

SEP 03 2015 EAA
9-3-15
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

MIKEY D. LONIELLO, JR

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

15cv7832
(Judge Sharon Johnson Coleman
(Magistrate Judge Daniel G. Martin
PC4

Stateville Correctional Center,

Warden Tarry Williams,

Assistant Warden LAMB,

Medical Director, OBAISI,

Wexford Health Services Inc,

Correctional Officer Jackson,

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

☐

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

☐

OTHER (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

FILED

12/15/2015

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

PH

I. Plaintiff(s):

- A. Name: Mickey D. Lonello JR.
- B. List all aliases: 0
- C. Prisoner identification number: #M-01174
- D. Place of present confinement: Stateville Correctional Center
- E. Address: PO Box 112, Joliet IL, 60434

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Tarry Williams
Title: Warden/Chief Administrative Officer
Place of Employment: Stateville Correctional Center
- B. Defendant: Assistant Warden Lamb
Title: Assistant Warden
Place of Employment: Stateville Correctional Center
- C. Defendant: DR. OBAISI, M.D.
Title: Medical Director
Place of Employment: Stateville Correctional Center

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

Defendant(s):

D.) Defendant: Wexford Health Services Incorporated,
Title: Health Care provider for Inmates,
place of employment: Wexford / Stateville Correctional Center,

C.) Defendant: Officer Jackson,
Title: Correctional officer (7:00 AM to 3:00 PM)
place of employment: Stateville Correctional Center,

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: MICKELY D. Loniello JR.
Tom Dart, etc, et al, 15-C-3723
- B. Approximate date of filing lawsuit: April 27, 2015
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: MICKELY D Loniello JR.
- D. List all defendants: Tom Dart, Cook County Sheriff,
Cook County medical personnel At CERMAK Hospital,
Names unknown at this time, Still Awaiting Discovery
pertaining to names,
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): United States District Court, Northern District of Illinois,
- F. Name of judge to whom case was assigned: Honorable, Judge
SHARON Johnson, Coleman
- G. Basic claim made: Inadequate medical treatment, Diet
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Still pending
- I. Approximate date of disposition: Do not know at this time,

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Jurisdiction & venue

(1) This is a Civil Action Authorized by 42 U.S.C. Section 1983 To redress the deprivation under Color of State Law, of Rights Secured by the Constitution of the United States, This Court has Jurisdiction under 28 U.S.C. Section 1331 And 1367(A) Mickey D. Lonello, JR Asserts Claims under Federal And State Law,

(2) The Northern District is an Appropriate Venue under 28 U.S.C. 1391(B) Because It is where The event given rise to this claim occurred,

(Plaintiff:)

(3) Mickey D. Lonello JR, who is incarcerated At the Stateville Correctional Center in Joliet, Illinois, At All Relevant times Mickey D. Lonello JR, was Housed in Stateville (N.E.C.) "Northern Reception Center", And is Still Housed in Stateville Correctional Center,

(Defendants)

(4) In his official capacity, Tarry Williams
The warden and Chief Administrative officer At
Stateville Correctional Center On 6-17-15,
"Exhibit A", A Inmate Grievance was Addressed
To warden Tarry Williams As An emergency
pertaining to my medical condition, The
(Chief Administrative officer/Warden's Behavior to
Choose not to Act or Investigate plaintiff's Condition
which Assists the Concealment Attitudes And Caused
Certain Environments, Additionally" Defendants Behavior
Contributes to overall results to plaintiff's
Conditions worsening to the extent of a
"Mandatory" operation On plaintiff's eye,

(5) In his official capacity, Assistant warden Lamb,
plaintiff, Spoke Directly to Defendant during his
cell house rounds, Plaintiff Spoke About "Not"
being treated by medical personnel, And his
untreated Condition worsening, Also About
"Not" Receiving Any Responses to his Inmate
Grievances, Only to be told by the Defendant,

It is not his problem, to continue to try to write "Sick call" medical Request Slips, And grievances, The Defendants failure To Act Accordingly on behalf of plaintiff, Contributed to The Continued pain, As he observes his Condition worsening! And led to Surgery to plaintiff's eye,

(6) In his official Capacity: medical Director OBASI, The medical Director for Wexford Health Services Inc, And Stateville Correctional Center, He is responsible for (MDSC) medical Director Sick calls, And the overall Decisions of All Nurse practioners, plaintiff Sent multiple Request to Director obasi to "no AVAIL", plaintiff was not Acknowledged by medical Director, he has the knowledge That was needed to furthermore prevent the plaintiff's Condition, And Adequately Identify A Diagnosis,

7) In his/her professional Capacity, J. Doe, RN AS AN employee/ Representative of Wexford H.S. In the Health Care Unit, (HCU) The Injury Due to Bacteria, J. Doe, did little to Investigate the Situation And Assert A proper Solution, This In-Adquate medical Attention led to plaintiff's - Injury, Due to this injury And poor plan of Action To remedy plaintiff's Chronic Condition, he Sought "All" proper medical Sick call procedures to "No AVAIL",

8) In her professional Capacity, Correctional officer Jackson, On 5-20-15 Plaintiff Informed Correctional officer Jackson that Plaintiff was Suffering Some type of Irritation in his eye, Defendant Jackson then Stated TO Plaintiff its Just red from Gubbing it, Defendant Jackson is not A certified/Registered nurse to make Any Decision's pertaining to Any medical Condition's, by Defendant Jackson's ill advice, led to Plaintiff's Condition to worsen, Defendant Jackson Deliberately "Did not" Contact Any medical personnel to Assesst This Situation,

(Factual Allegation's:)

9) Plaintiff Mickey D. Lonicello JR. Here After mentioned AS Mickey D. Lonicello, JR, is And was At all times mentioned here, was And is A Inmate In the State of Illinois Department of Correction's, Stateville Correctional Center/N.R.C.,

10) Mickey D. Lonicello JR. is Detained under I.D.O.C. Jail Number I.D.O.C.#M-01174 Since 5-19-15,

11) On 5-19-15 Plaintiff Mickey D. Lonicello Entered the Stateville "N.R.C." Receiving Center, upon his Arrival the Plaintiff Received A Bed Roll, Consisting of a Dirty, Sheet, Blanket, ect, Plaintiff Spoke to Correctional officer Jackson And Asked for Another Sheet And Blanket only to be Told "No", there is nothing to Be Done About it,

(12) The very next day, plaintiff Awoke with a Very Irritated eye, plaintiff Spoke Directly to his Assigned officer, "Jackson", Asking to be Seen by A nurse or Doctor, only then to be told by officer Jackson "No" Stop Fiddling it,

(13) plaintiff Stopped A Jon Doe nurse Later that Day of 5-20-15 he explained Something was wrong with his eye, She Continued to pass out the medication, this transpired on the 3:00pm to 11:00 pm Shift, She would not give her name to plaintiff, plaintiff then filled out A medical Request slip on A piece of paper due to the fact the Correctional officer would not give him A proper one,

(14) on 5-21-15, plaintiff once Again Showed his Condition to officer Jackson, once Again to "no Avail", All She Said was To LEAVE it Alone,

(15) on the night of 5-21-15 plaintiff then wrote A Inmate grievance As well As Another Request to the medical director "OBASI", explaining How his "Eye" had Become "Swollen Shut", plaintiff "never" received Any Response Regarding that Inmate Grievance And or Any Response from the medical Director,

(15) On 5-22-15 was Finally Acknowledged And was taken to An outside Hospital, "St. Joseph" only to be told by the Doctor there That he has A Serious eye Condition, that there is a Very Serious infection, And that the infection Spread to his other eye As well, plaintiff was told he should have received medical

Continued)
(15) Attention And that he could have lost Complete eyesight in Both eyes Due to the lack of medical Attention,

(16) On 5-26-15 plaintiff was again Sent to An Outside Hospital "ST. Joseph" And was evaluated by A physician there And was prescribed A medication for both of his eyes,

(17) On 6-5-15 plaintiff wrote Another grievance pertaining to his health Condition, And was Denied As A emergency, This negligence by the Chief Administrator officer leaves plaintiff exposed to prolonged pain-Suffering, This is Inadequate medical treatment, And Deliberate-Indifference,

(18) warden Tarry Williams, Is not A licensed practical nurse, therefor he is not Allowed to make Decisions pertaining to medical Issues, Due to his response to plaintiff's grievance, not A emergency, It caused Severe Damage to plaintiff's eye, his Deliberate-Reckless indifference caused plaintiff to Suffer,

(EXHAUSTION OF LEGAL REMEDIES)

PLAINTIFF, MICKEY D. LONIELLO JR, USED THE INMATE
JAIL GRIEVANCE PROCEDURE AVAILABLE AT THE
STATEVILLE CORRECTIONAL CENTER TO TRY TO SOLVE THIS
MEDICAL ISSUE, PLAINTIFF PRESENTED THE FACTS TO
THIS COMPLAINT AND WAS SENT A RESPONSE SAYING
IT WAS "NOT" A MEDICAL EMERGENCY. AND BY DOING
SO CONTRIBUTED TO THIS MENTIONED MEDICAL ISSUE
TO WORSEN.

(EXA)

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

- (19) A Declaration that the Acts and omissions Described herein Violated Plaintiff's
Rights under the Constitution And the Law of the United States.
- (20) Compensatory Damages in the Amount this Honorable Court
Sees Just, Against each Defendants Jointly And Severally
- (21) Punitive Damages in the Amount to be Determined At trial
- (22) A Jury trial ON All Issues triable by Jury.

VI. The plaintiff demands that the case be tried by a jury.



YES



NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 29 day of 8, 2015

Mickey D Louie Jr
 (Signature of plaintiff or plaintiffs)

Mickey D Louie Jr
 (Print name)

MO 1174

(I.D. Number)

Stateville Correctional center

P.O. Box 112

Joliet IL 60434

(Address)

ILLINOIS DEPARTMENT OF CORRECTIONS
OFFENDER'S GRIEVANCE

NRC J312

Date: <u>6-5-15</u>	Offender: <u>Mickey D Ziviello Jr</u> (Please Print)	ID#: <u>M01174</u>
Present Facility: <u>NRC</u>	Facility where grievance issue occurred: <u>NRC</u>	

NATURE OF GRIEVANCE:

<input type="checkbox"/> Personal Property	<input type="checkbox"/> Mail Handling	<input type="checkbox"/> Restoration of Good Time	<input type="checkbox"/> ADA Disability Accommodation
<input type="checkbox"/> Staff Conduct	<input type="checkbox"/> Dietary	<input checked="" type="checkbox"/> Medical Treatment	<input type="checkbox"/> HIPAA
<input type="checkbox"/> Transfer Denial by Facility	<input type="checkbox"/> Transfer Denial by Transfer Coordinator	<input type="checkbox"/> Other (specify): <u>2444</u>	

☐ Disciplinary Report: _____
Date of Report: _____ Facility where issued: _____

Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.

Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to:
 Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board.
 Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor.
 Chief Administrative Officer, only if **EMERGENCY** grievance.
 Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.

Summary of Grievance (Provide information including a description of what happened, when and where it happened, and the name or identifying information for each person involved): 5-19-15 WAS PROSECUTED IN NRC AND PUT ON VTEIR ROOM 204 WITH WATER ON FLOOR WITH WET TOWELS NO RUNNING WATER, ALSO I WAS GIVEN A BED ROLL AND THE SHEET WAS JUST DIRTY AND WAS NOT CLEAN. THE NEXT DAY I Woke up AND MY RIGHT EYE WAS RED / IRRITATING I HAD SAID SOMETHING TO CO JACKSON AT THAT TIME SHE SAID EYE WAS JUST RED FROM RUBBING IT AND WAS GOING TO NOTIFY SOMEONE ABOUT THE WATER PROBLEM. KNOW THE DAY WENT ON NO WATER FIXED OR CLEANED UP. 5/20 EVENING NURSE CAME AND SAID EYE WAS FINE WOULD NOT GIVE NAME. 5/21/15
Request: When I woke up you smell mildew AND MY EYE WAS RED AND HURTING. SO CO JACKSON SEEN MY EYE AND SAID SHE WOULD SET A NURSE WHILE NO NURSE CAME.

☒ Check only if this is an **EMERGENCY** grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.

Mickey D Ziviello Jr M01174 6.5.15
Offender's Signature ID# Date

(Continue on reverse side if necessary)

Counselor's Response (if applicable)		
Date Received: <u>1 1</u>	<input type="checkbox"/> Send directly to Grievance Officer	<input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277
Response: _____ _____ _____ _____		
Print Counselor's Name	Counselor's Signature	Date of Response

EMERGENCY REVIEW	
Date Received: <u>6.17.15</u>	Is this determined to be of an emergency nature?
	<input type="checkbox"/> Yes; expedite emergency grievance <input checked="" type="checkbox"/> No; an emergency is not substantiated. Offender should submit this grievance in the normal manner.
<u>Tamara Williams</u> Chief Administrative Officer's Signature	<u>6.17.15</u> Date

ILLINOIS DEPARTMENT OF CORRECTIONS
OFFENDER'S GRIEVANCE (Continued)

Then next shift still 5/21/15 The CO I talked to said nurse will be around later. Well nurse came looked at eye said she would get me to health care. Never happened. Know comes 5/22/15 my eye is swollen shut and the same run around all day and night as my eye is getting worse. Know 5/23/15 same treatment as other days know my eye is really hurting and there is something white where I can't see out it and I tell 3-11 officer Ms Hoony something she gets a nurse and around 9:00 pm she take me to health care and immediately was sent out to ST Joes outside hospital and was told that have a serious eye infection and it's spreading to left eye. They wanted to know why it took so long for medical attention. could of lost both eyes so they treated me for what they could because I need special doctor and medical things they didn't have so I came back to NRC and was put in a new cell J-110 til Tuesday 5/26/15. I went to sick call and doctor didn't read file or I don't but he didn't know my eye and he seen my eyes and sent me right back to ST Joes hospital. They evaluated my eye and sent me to ~~ST Joes~~ in an ambulance. Know at ~~ST Joes~~ hospital downtown I was admitted. They had to put this medicine called Tobramycin & Cyclopate every hour on the hour and NRC couldn't handle that. They don't understand why it took so long to get help. 5/28/15 was released and brought back to NRC and they decided to put me at Statesville Hospital cause need eye drops every hour. They moved me back to NRC 5/31/15 and put me in J-110 knowing that I need more eye drops. 6-2-15 I go back downtown to eye clinic and they said keep using Tobramycin well the pharmacy said no cause IDOC would not pay so they called Bostell they said no change to something else. So we sit there all day they change the prescriptions to Tobramycin & Prednisolone Acetate and back to NRC gave nurses the scripts. Well no eye drops from 6-1-15 until 6-7-15. Know I went back to eye clinic 6-5-15 they want to know why no eye drops cause I could lose my whole eye. They said stress it enough. Well my vision is lost in right eye I got my eyedrops but can't see out right eye. I have another appointment to eye doctor week of 6/8 thru 6/13

WOT
ure

Mickey J Loviello Jr
Stateville Correctional Center
P.O. Box 112
Joliet IL 60434

MO1174

This correspondence is from
an inmate of the IDOC



Legal mail

15cv7832
Judge Sharon Johnson Coleman
Magistrate Judge Daniel G. Martin
PC4

Prisoner Correspondence
Clerk's office
U.S. District Court
219 So. Dearborn Street
Chicago, IL 60604

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Legal Mail

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